

ASSEMBLY BILL

No. 2439

Introduced by Assembly Member Nestande

February 19, 2010

An act to amend Section 798.23.5 of the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2439, as introduced, Nestande. Mobilehome parks.

Existing law requires the management of a mobilehome park to permit a mobilehome park homeowner to rent his or her home that serves as his or her primary residence or sublet his or her space if a medical emergency or medical treatment requires him or her to be absent from his or her home and the medical emergency or treatment is confirmed in writing by an attending physician. Existing law imposes conditions on that rental or sublease, including the minimum and maximum term of a rental or sublease, and authorizes the management to require approval of a prospective renter or sublessee, as specified. Existing law prohibits a homeowner from charging a renter or sublessee more than an amount necessary to cover the cost of space rent, utilities, and scheduled loan payments on the mobilehome.

This bill would additionally authorize the management of a mobilehome park to permit a mobilehome homeowner to sublet his or her mobilehome or space, without regard to whether there is a medical emergency or need for medical treatment on the part of the homeowner, for an amount more than necessary to cover the cost of space rent, utilities, and scheduled loan payments on the mobilehome, if any, and in accordance with the reasonable rules and regulations of the park. The

bill would also exempt a space that is sublet pursuant to these new provisions from rent control.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.23.5 of the Civil Code is amended
2 to read:

3 798.23.5. (a) (1) Management shall permit a homeowner to
4 rent his or her home that serves as the homeowner's primary
5 residence or sublet his or her space, under the circumstances
6 described in paragraph (2) and subject to the requirements of this
7 section.

8 (2) A homeowner shall be permitted to rent or sublet pursuant
9 to paragraph (1) if a medical emergency or medical treatment
10 requires the homeowner to be absent from his or her home and
11 this is confirmed in writing by an attending physician.

12 (b) The following provisions shall apply to a rental or sublease
13 pursuant to this section:

14 (1) The minimum term of the rental or sublease shall be six
15 months, unless the management approves a shorter term, but no
16 greater than 12 months, unless management approves a longer
17 term.

18 (2) The management may require approval of a prospective
19 renter or sublessee, subject to the process and restrictions provided
20 by subdivision (a) of Section 798.74 for prospective purchasers
21 of mobilehomes. A prospective sublessee shall comply with any
22 rule or regulation limiting residency based on age requirements,
23 pursuant to Section 798.76. The management may charge a
24 prospective sublessee a credit screening fee for the actual cost of
25 any personal reference check or consumer credit report that is
26 provided by a consumer credit reporting agency, as defined in
27 Section 1785.3, if the management or his or her agent requires that
28 personal reference check or consumer credit report.

29 (3) The renter or sublessee shall comply with all rules and
30 regulations of the park. The failure of a renter or sublessee to
31 comply with the rules and regulations of the park may result in the
32 termination of the homeowner's tenancy in the mobilehome park,
33 in accordance with Section 798.56. A homeowner's tenancy may

1 not be terminated under this paragraph if the homeowner completes
2 an action for unlawful detainer or executes a ~~judgment~~ *judgment*
3 for possession, pursuant to Chapter 4 (commencing with Section
4 1159) of Title 3 of Part 3 of the Code of Civil Procedure within
5 60 days of the homeowner receiving notice of termination of
6 tenancy.

7 (4) The homeowner shall remain liable for the mobilehome park
8 rent and other park charges.

9 (5) The management may require the homeowner to reside in
10 the mobilehome park for a term of one year before management
11 permits the renting or subletting of a mobilehome or mobilehome
12 space.

13 (6) Notwithstanding subdivision (a) of Section 798.39, if a
14 security deposit has been refunded to the homeowner pursuant to
15 subdivision (b) or (c) of Section 798.39, the management may
16 require the homeowner to resubmit a security deposit in an amount
17 or value not to exceed two months' rent in addition to the first
18 month's rent. Management may retain this security deposit for the
19 duration of the term of the rental or sublease.

20 (7) The homeowner shall keep his or her current address and
21 telephone number on file with the management during the term of
22 rental or sublease. If applicable, the homeowner may provide the
23 name, address, and telephone number of his or her legal
24 representative.

25 (c) A homeowner may not charge a renter or sublessee more
26 than an amount necessary to cover the cost of space rent, utilities,
27 and scheduled loan payments on the mobilehome, if any.

28 *(d) The management may permit a homeowner to sublet his or*
29 *her home or space, except as otherwise prohibited by the*
30 *mobilehome park's rules and regulations. Notwithstanding*
31 *subdivision (c), the homeowner may sublet his or her home or*
32 *space for an amount more than necessary to cover the cost of space*
33 *rent, utilities, and scheduled loan payments on the mobilehome,*
34 *if any, and in accordance with the reasonable rules and regulations*
35 *of the park. The mobilehome and the space shall be exempt from*
36 *any ordinance, rule, regulation, or initiative measure adopted by*
37 *any city, county, or city and county, which establishes a maximum*
38 *amount that a landlord may charge a tenant for rent.*

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